

U.S. PATENT AND TRADEMARK OFFICE

PATENT

First Named Inventor:	Scott McCleskey	Attorney Docket Number:	47909.0600 (4508P)
Serial Number:	10/672,643	Group Art Unit:	2141
Filing Date:	September 27, 2003	Confirmation No.:	8218
TITLE:	METHOD AND SYSTEM FOR UPDATING DIGITAL CONTENT OVER A NETWORK		

**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF
CORRESPONDENCE ADDRESS FILED UNDER 37 C.F.R. § 1.36**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

The undersigned respectfully requests, under 37 C.F.R. §§ 1.36(b), to withdraw as attorney or agent in the above-identified pending patent application. **The undersigned makes this request on behalf of all attorneys of record, including all attorneys and agents associated with PTO Customer No. 20322.**

Initially, we note that the attorneys and agents currently associated with the customer number for Snell & Wilmer L.L.P. ("Snell & Wilmer") are not of record in the application. However, we are nonetheless requesting withdrawal as attorney or agent of record in the application for the reasons outlined below.

Lloyd Sadler, the attorney of record in this case, filed the pending application on September 27, 2003, more than a year before he joined Snell & Wilmer. Mr. Sadler brought Applicant's file with him when he joined Snell & Wilmer in November of 2004. Mr. Sadler never filed any papers in the Application while he was at Snell & Wilmer, and he subsequently left Snell & Wilmer and left the private practice of law altogether. Applicant's files thus remained with Snell & Wilmer, but the attorneys and agents associated with Snell & Wilmer's customer number were never given power of attorney in the pending application. Additionally, the correspondence address in the application was never changed, and remains the address of the law firm where Mr. Sadler was employed prior to joining Snell & Wilmer. Therefore, although

we are not officially of record in the application, we are taking this last step to ensure closure of this matter.

Snell & Wilmer requests to withdraw because Applicant has asked us to close all the files that were in our possession, because Applicant has become impossible to contact, and because Applicant has not paid his bills.

In accordance with 37 C.F.R. § 10.40, Snell & Wilmer has taken reasonable steps to avoid foreseeable prejudice to Applicant. Furthermore, Snell & Wilmer has given due notice to Applicant that Snell & Wilmer is withdrawing from representation of Applicant. Upon Applicant's request, Snell & Wilmer sent a formal disengagement letter to Applicant on January 9, 2006. The disengagement letter included a Revocation of Prior Power of Attorney and Change of Correspondence Address form for Applicant's signature, and it included a Receipt for Applicant to sign and return to Snell & Wilmer, indicating that he received the files we sent to him. A copy of the letter and a copy of the Federal Express delivery request are attached hereto as Exhibit A. The letter was received by Applicant, as indicated by the Federal Express delivery receipt attached as Exhibit B; however, Applicant did not reply to the letter or return any of the documents included with the letter.

Additional letters were mailed on February 21, 2006 (Exhibit C) and on March 17, 2006 (Exhibit D) to remind Applicant of the January 9 letter and that he had not yet returned a signed Revocation of Power of Attorney and Change of Correspondence Address form. No replies to the letters were received.

Snell & Wilmer therefore has made a good-faith effort to obtain a written revocation from Applicant.

Applicant has received copies of all correspondence and papers filed in the application during the course of the prosecution. To ensure that Applicant has received all papers concerning the prosecution of the application, on November 14, 2006, Snell & Wilmer sent a complete copy, via certified mail, of all correspondence and papers filed during prosecution of the pending application to Applicant's last known address with a letter explaining that we would be filing a request to withdraw with the U.S. Patent & Trademark Office (see Exhibit E).

Because the application has been published, the file wrapper is available via Public PAIR. According to Public PAIR, no action items are currently pending in the application.

Thus, withdrawal of Snell & Wilmer at this point will not prejudice the Applicant and will leave the Applicant sufficient time to obtain another practitioner.

Snell & Wilmer therefore requests withdrawal as attorney or agent of record in the pending application for all attorneys and agents associated with customer number 20322, as it has fully complied with the Office's requirements for this Request to Withdraw.

The Office is requested to address all future correspondence for this application to the Applicant's last known address:

**Scott McCleskey
Webhound, Inc
265 Chipman Avenue
American Fork, Utah 84003**

Approval of this request under 37 C.F.R. § 1.36 is respectfully requested at the Commissioner's earliest convenience.

Respectfully submitted, on behalf of

Snell & Wilmer L.L.P.

Date: November 20, 2006 By: John H. Platt
John H. Platt, Reg. No. 47,863

Snell & Wilmer, L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
(602) 382-6367
(602) 382-6070 FAX
jplatt@swlaw.com

EXHIBIT A
Letter: January 9, 2006

Snell & Wilmer

L.L.P.
LAW OFFICES

One Arizona Center
Phoenix, Arizona 85004-2202
(602) 382-6000
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Wendy S. Neal (602) 382-6334
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wns@swlaw.com

PHOENIX, ARIZONA

TUCSON, ARIZONA

BVINT, CALIFORNIA

SALT LAKE CITY, UTAH

DENVER, COLORADO

LAS VEGAS, NEVADA

January 9, 2006

VIA FEDERAL EXPRESS

Scott McClesky
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003

Re: *Conclusion of Representation—Webhound, Inc.*

Dear Mr. McClesky:

As you have requested, we are closing our files for the intellectual property matters our firm previously was handling on behalf of Webhound, Inc. and returning them to you for handling. I am thus writing to confirm that our representation in connection with the matters listed on the attached page (which list comprises all legal matters previously being handled on Webhound's behalf) has been concluded. Because the attorney-client relationship between us has now ceased, we will have no further obligation to advise you in connection with these matters. Unless we hear from you to the contrary, however, we intend to keep you on our mailing list that we use to provide friends of the firm with information as to various legal developments that may be of interest.

For each of the referenced patent cases that are pending, I am enclosing a *Revocation of Prior Power of Attorney and Change of Correspondence Address* form for your signature. Please sign and date where indicated. After you have executed the Revocations, please send them back to us in the enclosed, postage-paid envelope. Once we have received the executed Revocations, we will file them with the U.S. Patent & Trademark Office (USPTO) to enable all future correspondence to be sent to you.

For the referenced trademark matters, we have electronically submitted a *Change of Correspondence Address* directing the USPTO to send all correspondence to you at the address above. We also enclose *Revocation of Prior Power of Attorney and Change of Correspondence Address* forms for your signature. Please sign and date where indicated, and return to us as explained above.

As you know, you have upcoming deadlines in your two pending trademark cases by which you must file a Statement of Use for each mark. The respective deadlines for these cases are indicated on the attached List of Legal Matters. You must file either a Statement of Use or a

1775203

Snell & Wilmer is a member of LEX MUNITA, a leading association of independent law firms.

NOTED ON DOCKET

Snell & Wilmer
— L.L.P. —

Scott McClesky
January 9, 2006
Page 2

Request for Extension of Time to File a Statement of Use by the deadline. If you fail to do so, the trademark application will be deemed abandoned. Please understand that the sole responsibility for attending to these matters lies with you, and that Snell & Wilmer will take no further action in these or any other matters on your behalf. Given the imminent deadlines, while we generally prefer to have the Revocations executed prior to transfer of the physical files of a former client, we are forwarding these two trademark files to you with this letter. We ask that you please sign and return the enclosed acknowledgement *Receipt*, which confirms for us that you have received the listed files. Your remaining files will follow after we have received and filed the executed Revocations.

We are pleased to have had the opportunity to have been of service to you, and we thank you for asking us to do so.

Kindest regards.

Very truly yours,

SNELL & WILMER L.L.P.



Wendy S. Neal

Enclosures

cc: John H. Platt, Esq. (via e-mail, w/o encl.)
J. Rick Taché, Esq. (via e-mail, w/o encl.)

Scott McClesky
January 9, 2006
Page 3

LIST OF LEGAL MATTERS:

File No. 47909.0001: IP Consulting

File No. 47909.0100/(4440): US TM WEB HOUND (*Abandoned per client instructions*)

File No. 47909.0200/(4440.1): US SM WEB HOUND (*Abandoned per client instructions*) (*No File*)

File No. 47909.0300/(4441): U.S. Trademark Application Serial No. 76/481,441 for DIGITAL DIALYSIS (*Statement of Use Due 2/24/2006*)

File No. 47909.0400/(4441.1): U.S. Service Mark Application Serial No. 76/481,442 for DIGITAL DIALYSIS (*Statement of Use Due 2/10/2006*)

File No. 47909.0500/(4472P): U.S. Patent Application Serial No. 10/672,644 entitled METHOD AND SYSTEM FOR DOWNLOADING DIGITAL CONTENT OVER A NETWORK (*Awaiting First Office Action*)

File No. 47909.0600/(4508P): U.S. Patent Application Serial No. 10/672,643 entitled METHOD AND SYSTEM FOR UPDATING DIGITAL CONTENT OVER A NETWORK (*Awaiting First Office Action*)

File No. 47909.0700/(Web267): U.S. Patent Application Serial No. 10/002,267 (*Previously Transferred to Other Counsel*)

File No. 47909.0800/(Web228): U.S. Patent Application Serial No. 09/683,228 (*Previously Transferred to Other Counsel*)

RECEIPT

The undersigned hereby acknowledges receipt of the following two trademark files from Snell & Wilmer L.L.P.:

Webhound, Inc.
Client No. 47909, matters listed below:

Matter	Title
0300	(4441 TM) US TRADEMARK-DIGITAL DIALYSIS
0400	(4441.1 TM) US TRADEMARK-DIGITAL DIALYSIS

DATED this _____ day of _____, 2006.

Webhound, Inc.

By: _____

Name: _____

Title: _____

* *Please sign and return this form in the enclosed postage-paid envelope.*

CERTIFICATE OF TRANSMISSION BY FACSIMILE (1-(571)-273-8300)

I hereby certify that the below-identified Revocation of Prior Power of Attorney and Change of Correspondence Address is being transmitted to the Commissioner for Trademarks at the U.S. Patent and Trademark Office via facsimile transmission only to Fax No. 1-571-273-8300.

Date: _____

By: _____
Signature of Person Sending Facsimile Transmission

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK APPLICATION

Applicant:	Webhound, Inc.	Docket No.:	47909.0300 (4441 TM)
Serial No.:	76/481,441	Law Office:	116
Filing Date:	January 10, 2003	Examining Attorney:	Benmaman, Alice Medina
Mark:	DIGITAL DIALYSIS		

**REVOCATION OF PRIOR POWER OF ATTORNEY
AND CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

Assignee/Owner, Webhound, Inc., hereby revokes all powers previously granted in respect of the above-identified trademark application, and requests the U.S. Patent and Trademark Office to direct all future communications and correspondence directly to Assignee/Owner, Webhound, Inc.:

**Scott McCleskey
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003**

Assignee/Owner also agrees conduct all related prosecution and business regarding the subject trademark application before the U.S. Patent and Trademark Office.

Date: _____, 2006

Webhound, Inc.

By _____

Name: _____

Title: _____

Please send all further correspondence to Assignee/Owner as stated above.

Date: _____, 2006

Respectfully submitted,

SNELL & WILMER L.L.P.

Wendy S. Neal

Registration No. 45,615

CERTIFICATE OF TRANSMISSION BY FACSIMILE (1-(571)-273-8300)

I hereby certify that the below-identified Revocation of Prior Power of Attorney and Change of Correspondence Address is being transmitted to the Commissioner for Trademarks at the U.S. Patent and Trademark Office via facsimile transmission only to Fax No. 1-571-273-8300.

Date: _____

By: _____
Signature of Person Sending Facsimile Transmission

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK APPLICATION

Applicant:	Webhound, Inc.	Docket No.:	47909.0400 (4441.1TM)
Serial No.:	76/481,442	Law Office:	105
Filing Date:	January 10, 2003	Examining Attorney:	Michos, John E.
Mark:	DIGITAL DIALYSIS		

**REVOCATION OF PRIOR POWER OF ATTORNEY
AND CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

Assignee/Owner, Webhound, Inc., hereby revokes all powers previously granted in respect of the above-identified trademark application, and requests the U.S. Patent and Trademark Office to direct all future communications and correspondence directly to Assignee/Owner, Webhound, Inc.:

**Scott McCleskey
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003**

Assignee/Owner also agrees conduct all related prosecution and business regarding the subject trademark before the U.S. Patent and Trademark Office.

Date: _____, 2006

Webhound, Inc.

By _____

Name: _____

Title: _____

Please send all further correspondence to Assignee/Owner as stated above.

Date: _____, 2006

Respectfully submitted,

SNELL & WILMER L.L.P.

Wendy S. Neal

Registration No. 45,615

CERTIFICATE OF TRANSMISSION BY FACSIMILE (1-(571)-273-8300)

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Date: _____ By: _____
Signature of Person Sending Facsimile Transmission

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventors:	Scott McCleskey, et al.	Docket No.:	47909.0500 (4472 P)
Serial No.:	10/672,644	Group Art Unit:	2155
Filing Date:	September 27, 2003	Confirmation No.:	8219
Title:	METHOD AND SYSTEM FOR DOWNLOADING DIGITAL CONTENT OVER A NETWORK		

**REVOCATION OF PRIOR POWER OF ATTORNEY
AND CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Assignee/Owner, Webhound, Inc., hereby revokes all powers previously granted in respect of the above-identified patent application, and requests the U.S. Patent and Trademark Office to direct all future communications and correspondence to Assignee/Owner, Webhound, Inc.:

Scott McCleskey
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003

Assignee/Owner also agrees conduct all related prosecution and business regarding the
subject patent application before the U.S. Patent and Trademark Office.

Date: _____, 2006

Webhound, Inc.

By _____

Name: _____

Title: _____

Please send all further correspondence to Assignee/Owner as stated above.

Date: _____, 2006

Respectfully submitted,

SNELL & WILMER L.L.P.

Wendy S. Neal

Registration No. 45,615

CERTIFICATE OF TRANSMISSION BY FACSIMILE (1-(571)-273-8300)

I hereby certify that the below-identified Revocation of Prior Power of Attorney and Change of Correspondence Address is being transmitted to the U.S. Patent and Trademark Office via facsimile transmission only to Fax No. 1-571-273-8300.

Date: _____ By: _____
Signature of Person Sending Facsimile Transmission

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventors:	Scott McCleskey, et al.	Docket No.:	47909.0600 (4508 P)
Serial No.:	10/672,643	Group Art Unit:	2141
Filing Date:	September 27, 2003	Confirmation No.:	8218
Title:	METHOD AND SYSTEM FOR UPDATING DIGITAL CONTENT OVER A NETWORK		

**REVOCAION OF PRIOR POWER OF ATTORNEY
AND CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Assignee/Owner, Webhound, Inc., hereby revokes all powers previously granted in respect of the above-identified patent application, and requests the U.S. Patent and Trademark Office to direct all future communications and correspondence to Assignee/Owner, Webhound, Inc.:

Scott McCleskey
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003

Assignee/Owner also agrees conduct all related prosecution and business regarding the
subject patent application before the U.S. Patent and Trademark Office.

Date: _____, 2006

Webhound, Inc.

By _____

Name: _____

Title: _____

Please send all further correspondence to Assignee/Owner as stated above.

Date: _____, 2006

Respectfully submitted,

SNELL & WILMER L.L.P.

Wendy S. Neal

Registration No. 45,615

Snell & Wilmer
Federal Express Shipping Request
1.800.463.3339 www.Fedex.com

From: Wendy S. Neal		Initials: WSN	Location: 1633
Client/Matter Number: 47909.0001		Personal: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
RETURN TRACKING LABEL TO: Diane Richardson		Location: 16S26	
Requested Ship Date: January 9, 2006			
PACKAGE TO BE SENT TO:			
<p>Attention: Mr. Scott McClesky</p> <p>Company: Webhound, Inc. Address: 265 Chipman Avenue</p> <p>City / State / Zip: American Fork, Utah 84003 Phone:</p>			
Insured Value: \$		*** Extra Cost	
FEDERAL EXPRESS - Will Not Accept P. O. Boxes			
Check One:	Mail Center Deadline	Description	
<input type="checkbox"/> <u>Fed Ex First Overnight</u> **Extra Charge Select Carefully	5:45 p.m. M - F	Delivered by 8:00 a.m. next business day to certain metropolitan cities (M-F). You must verify your destination zip code by calling 1-800-463-3339. Charge is determined by weight and distance. Users <u>must</u> ensure recipient will be available between 7:00 and 8:00 a.m. if signature is required.	
<input type="checkbox"/> Fed Ex Priority	5:45 p.m. M - F	Delivered by 10:30 a.m. next business day to most destinations	
<input type="checkbox"/> Fed Ex SAT Del.	Friday - 5:45 p.m.	Packages sent on Fri. will be delivered on Mon. unless this box checked. Saturday delivery is an additional \$10 fee.	
<input checked="" type="checkbox"/> Fed Ex Standard	5:45 p.m. M - F	Delivered by 3:00 p.m. next business day to most destinations	
<input type="checkbox"/> Fed Ex Economy (Two-Day)	Same	Delivered by 3:00 p.m. 2nd business day to most destinations	
<input type="checkbox"/> Fed Ex Economy (Three-Day)	Same	Delivered by 3:00 p.m. 3rd business day to most destinations	
<input type="checkbox"/> Fed Ex International	Same	Delivery time and price depends on destination <input type="checkbox"/> Company Documents (any other shipment will require special paperwork - please contact the mailroom)	
<input type="checkbox"/> Ground	Anytime M-F	Called in and picked up next am - Delivery in 5 - 7 business days. *Extra pick up charge can apply.	
Special Options:		<input type="checkbox"/> No Signature Required <input type="checkbox"/> Other (please describe)	
FOR MAIL SERVICES USE ONLY:			

EXHIBIT B
January 9, 2006 Letter: Delivery Confirmation



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

November 2, 2006

Dear Customer:

The following is the proof of delivery you requested with the tracking number **676492014960**.

Delivery Information:

Status:	Delivered	Delivery date:	Jan 10, 2006 09:17
Signed for by:	99999999999999		
Service type:	Priority Overnight		

NO SIGNATURE IS AVAILABLE

FedEx Express Proof of delivery details appear below, however no signature is currently available for this FedEx Express shipment. Availability of signature images may take up to 5 days after delivery date.

Shipping Information:

Tracking number:	676492014960	Ship date:	Jan 9, 2006
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Recipient:	Shipper:
AMERICAN FORK, UT US	PHOENIX, AZ US

Reference	47909.0001 WSN
------------------	----------------

Thank you for choosing FedEx Express.

FedEx Worldwide Customer Service
1.800.GoFedEx 1.800.463.3339

EXHIBIT C
Letter: February 21, 2006

Snell & Wilmer
— L.L.P. —
LAW OFFICES

One Arizona Center
Phoenix, Arizona 85004-2202
(602) 382-6000
Fax: (602) 382-6070
www.swlaw.com

Wendy S. Neal (602) 382-6334
Patents, Trademarks & Copyrights
wneal@swlaw.com

PHOENIX, ARIZONA

TUCSON, ARIZONA

IRVINE, CALIFORNIA

SALT LAKE CITY, UTAH

DENVER, COLORADO

LAS VEGAS, NEVADA

February 21, 2006

Scott McClesky
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003

Re: Conclusion of Representation—Webhound, Inc.

Dear Mr. McClesky:

This is further to our letter dated January 9, 2006 regarding the recent transfer of intellectual property matters our firm previously handled on behalf of Webhound, Inc. Enclosed is a *Notice of Abandonment* that we received from the U.S. Patent and Trademark Office (USPTO) in connection with U.S. Trademark Application Serial No. 76/481,444 regarding the trademark WEBHOUND (our former reference no. 47909.0100 / 4440 TM).

Please be reminded that we have not as yet received the executed *Revocation of Prior Power of Attorney and Change of Correspondence Address* forms sent to you with our January 9 letter. In addition, we also await the signed *Receipt* confirming for us that you have safely received the two (2) files sent along with the letter.

For your convenience, we enclose courtesy copies of the Revocations and the Receipt for your signature and return. Once we have received the Revocations, we will file them with the USPTO and transfer your remaining files to you for further handling.

Please feel free to contact me if you have any questions.

Very truly yours,

SNELL & WILMER L.L.P.



Wendy S. Neal

WSN:dmr
Enclosures



47909. 0100

NOTICE OF ABANDONMENT
MAILING DATE: Nov 17, 2005

The trademark application identified below was abandoned because a response to the Office Action mailed on Apr 19, 2005 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 76481444
MARK: WEBHOUND
OWNER: WebHound, Inc.

NOTED FOR RECEIPT ✓



A PROFESSIONAL
LAW CORPORATION

201 South Main Street
Suite 1800
Salt Lake City, Utah 84111
Telephone 801.532.1234
Facsimile 801.536.6111
pbl@parsonsbehle.com

Daniel P. McCarthy
Registered Patent Attorney

Direct Dial
(801) 536-6830
E-Mail
DMcCarthy@jpbllaw.com

January 24, 2005

J. Rick Tache, Esq.
SNELL & WILMER, L.L.P.
One Arizona Center
400 East Van Buren Street
Phoenix, Arizona 85004-2202

**Re: WebHound, Inc.
U. S. Trademark Application
Serial Number: 76/481,444
Mark: "WEBHOUND"
Client-Matter Number: 05297.002**

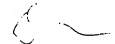
Dear Mr. Tache:

Enclosed is a Notice of Abandonment we received from the U. S. Patent and Trademark Office regarding the above-referenced trademark application for which responsibility was previously transferred to you. We will take no action regarding this matter, so please contact the client and take any necessary action.

Please let me know if you have any questions concerning this.

Sincerely,

Parsons Behle & Latimer



Daniel P. McCarthy

DPM/ipn
Enclosure

RECEIVED

FEB 06 2006

SNELL & WILMER

819785.1
NOTED FOR RECEIPT ✓

EXHIBIT D
Letter: March 17, 2006

WSA FL
Snell & Wilmer
— L.L.P. —
LAW OFFICES

One Arizona Center
Phoenix, Arizona 85004-2202
(602) 382-6000
Fax: (602) 382-6070
www.swlaw.com

Wendy S. Neal (602) 382-6334
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wneal@swlaw.com

PHOENIX, ARIZONA

TUCSON, ARIZONA

IRVINE, CALIFORNIA

SALT LAKE CITY, UTAH

DENVER, COLORADO

LAS VEGAS, NEVADA

March 17, 2006

Scott McClesky
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003

Re: Conclusion of Representation—Webhound, Inc.

Dear Mr. McClesky:

This is further to our letter dated January 9, 2006 regarding the recent transfer of intellectual property matters our firm previously handled on behalf of Webhound, Inc.

Enclosed is our letter dated September 2, 2005 with the *Notice of Approval of Extension Request* that we received from the U.S. Patent and Trademark Office (USPTO) with the Statement of Use prepared to avoid abandonment if filed by the past deadline of February 10, 2006. This is in connection with U.S. Trademark Application Serial No. 76/481,442 for the Mark: DIGITAL DIALSYS (our former reference no. 47909.0400 / 4441.1 TM).

Parsons Behle & Latimer, your former counsel, sent a *Notice of Abandonment* received from the USPTO in connection with U.S. Trademark Application Serial No. 76/481,443 for the Mark: WEBHOUND (our former reference no. 47909.0200 / 4440.1 TM). A copy of their correspondence dated February 22, 2006 is also enclosed herewith.

Please be reminded that we have not as of yet received the executed *Revocation of Prior Power of Attorney and Change of Correspondence Address* forms sent to you with our January 9 letter. In addition, we also await the signed *Receipt* confirming for us that you have safely received the two (2) files sent along with the letter.

For your convenience, we enclose courtesy copies of the Revocations and the Receipt for your signature and return in the self-addressed, stamped envelope. Once we have received the Revocations, we will file them with the USPTO to enable you to review all future correspondence regarding your files.

Snell & Wilmer
LLP

Scott McClesky
Webhound, Inc.
March 17, 2006
Page 2

Please feel free to contact me if you have any questions.

Very truly yours,

SNELL & WILMER L.L.P.



Wendy S. Neal

WSN:eva
Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

47909.0400

NOTICE OF APPROVAL OF EXTENSION REQUEST

Aug 17, 2005

Lloyd W. Sadler
Snell & Wilmer, LLP
15 West South Temple Suite 1200
Salt Lake City UT 84101

TM105

ATTORNEY
REFERENCE NUMBER:

4441.1 TM

SERIAL NUMBER: 76/481442
MARK: DIGITAL DIALYSIS
OWNER: WebHound, Inc.
EXTENSION REQUEST NUMBER: 2

NOTICE OF ALLOWANCE DATE: Aug 10, 2004

A Notice of Allowance was issued on Aug 10, 2004 for the trademark application identified above. The SECOND request for Extension of Time to File a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.

For further information please check the USPTO web site at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Snell & Wilmer

L.L.P.
LAW OFFICES

15 West South Temple
Suite 1200
Gateway Tower West
Salt Lake City, UT 84101
801.257.1900 P
801.257.1800 F
swlaw.com

Lloyd W. Sadler
Registered Patent Attorney
direct: (801) 257-1960
lsadler@swlaw.com

DENVER

LAS VEGAS

ORANGE COUNTY

PHOENIX

SALT LAKE CITY

TUCSON

September 2, 2005

Mr. Scott McCleskey
WebHound, Inc.
210 West 520 North
Orem, Utah 84058

Re: Trademark Application
Mark: DIGITAL DIALSYS
Our ref: 4441.1 TM

Dear Scott:

We have recently received the Notice of Approval of Extension Request for the above reference trademark. A copy is enclosed for your review and files. As you can see, we have until February 10, 2006 to file a statement of use with specimen of use to avoid abandonment of this trademark application. I have prepared and include a statement of use for your review. Please fill in the dates of first use and first use in commerce, sign it and return it to me with a specimen showing the mark as used, preferably the specimen should be packaging for the goods clearly showing the mark.

I appreciate the opportunity to work with you to protect WebHound's intellectual property. Please do not hesitate to call me should you have any questions concerning this case or any other legal matter.

Very best regards,



Lloyd W. Sadler
SNELL & WILMER, LLP

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**STATEMENT OF USE
UNDER TRADEMARK RULE 2.88**

Applicant: WebHound, Inc.
Mark: DIGITAL DIALYSIS
Serial No.: 76/481,442
Filed: January 10, 2003

To: Honorable Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

Applicant requests registration of the above-identified mark in the United States Patent and Trademark Office on the Principle Register established by the Act of July 5, 1946 (15 U.S.C. § 1051 *et seq.*, as amended). One or more specimens per class showing the mark as used in commerce are submitted with this statement.

GOODS:

Applicant is using the mark in commerce on or in connection with those goods identified in the application.

DATES OF FIRST USE:

Date of first use of mark anywhere: on or before _____

Date of first use of mark in commerce
which the U.S. Congress may regulate: on or before _____

Type of commerce: The mark is used in interstate commerce.

METHOD OF USE:

The mark is used on the goods, packaging and containers for the goods, on point of purchase displays, advertisements such as bumper stickers, pins, radio, television and electronically recorded media, print advertisement and promotional materials such as brochures,

flyers, and mailings, and apparel namely hats, shirts, shorts, sweatshirts, sweat pants, headbands, coats, and/or other ways customary in the trade.

FEE:

Applicant hereby submits with this Statement of Use a check made payable to the Commissioner of Patents and Trademarks for \$100.00 as required by 37 CFR 2.6(a)(3).

VERIFICATION:

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this Statement of Use on behalf of the applicant; he believes applicant to be the owner of the mark sought to be registered; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

SIGNATURE:

Scott McCleskey, President
WebHound, Inc.

Date

REFERENCE: 4441.1 TM

201 South Main Street
Suite 1800
Salt Lake City, Utah 84111
Telephone 801.532.1234
Facsimile 801.536.8111
pbtl@parsonsbehle.com



A PROFESSIONAL
LAW CORPORATION

RECEIVED

MAR 07 2006

SNELL & WILMER

Daniel P. McCarthy
Registered Patent Attorney

Direct Dial
(801) 536-6830
E-Mail
DMcCarthy@jblutah.com

47909.0200

February 22, 2006

J. Rick Tache, Esq.
SNELL & WILMER, L.L.P.
One Arizona Center
400 East Van Buren Street
Phoenix, Arizona 85004-2202

**Re: WebHound, Inc.
U. S. Trademark Application
Serial Number: 76/481,443
Mark: "WEBHOUND"
Docket Number: 4440.1 TM
Client-Matter Number: 05297.003**

Dear Mr. Tache:

Enclosed is a Notice of Abandonment we received from the U. S. Patent and Trademark Office regarding the above-referenced trademark application for which responsibility was previously transferred to you. We will take no action regarding this matter, so please contact the client and take any necessary action.

Please let me know if you have any questions concerning this.

Sincerely,

Parsons Behle & Latimer

A handwritten signature in black ink, appearing to read "Daniel P. McCarthy".

Daniel P. McCarthy

DPM/ipn
Enclosure



47909.0200

NOTICE OF ABANDONMENT

MAILING DATE: Dec 7, 2005

The trademark application identified below was abandoned because a response to the Office Action mailed on May 4, 2005 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 76481443

MARK: WEBHOUND

OWNER: WebHound, Inc.

NOTED FOR RECEIPT

File returned to client 1-9-06

Snell & Wilmer

L.L.P.
LAW OFFICES

One Arizona Center
Phoenix, Arizona 85004-2202
(602) 382-6000
Fax: (602) 382-6070
www.swlaw.com

Wendy S. Neal (602) 382-6334
Patents, Trademarks & Copyrights
wneal@swlaw.com

PHOENIX, ARIZONA

TUCSON, ARIZONA

IRVINE, CALIFORNIA

SALT LAKE CITY, UTAH

DENVER, COLORADO

LAS VEGAS, NEVADA

January 9, 2006

VIA FEDERAL EXPRESS

Scott McClesky
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003

Re: *Conclusion of Representation—Webhound, Inc.*

Dear Mr. McClesky:

As you have requested, we are closing our files for the intellectual property matters our firm previously was handling on behalf of Webhound, Inc. and returning them to you for handling. I am thus writing to confirm that our representation in connection with the matters listed on the attached page (which list comprises all legal matters previously being handled on Webhound's behalf) has been concluded. Because the attorney-client relationship between us has now ceased, we will have no further obligation to advise you in connection with these matters. Unless we hear from you to the contrary, however, we intend to keep you on our mailing list that we use to provide friends of the firm with information as to various legal developments that may be of interest.

For each of the referenced patent cases that are pending, I am enclosing a *Revocation of Prior Power of Attorney and Change of Correspondence Address* form for your signature. Please sign and date where indicated. After you have executed the Revocations, please send them back to us in the enclosed, postage-paid envelope. Once we have received the executed Revocations, we will file them with the U.S. Patent & Trademark Office (USPTO) to enable all future correspondence to be sent to you.

For the referenced trademark matters, we have electronically submitted a *Change of Correspondence Address* directing the USPTO to send all correspondence to you at the address above. We also enclose *Revocation of Prior Power of Attorney and Change of Correspondence Address* forms for your signature. Please sign and date where indicated, and return to us as explained above.

As you know, you have upcoming deadlines in your two pending trademark cases by which you must file a Statement of Use for each mark. The respective deadlines for these cases are indicated on the attached List of Legal Matters. You must file either a Statement of Use or a

Snell & Wilmer
LLP

Scott McClesky
January 9, 2006
Page 2

Request for Extension of Time to File a Statement of Use by the deadline. If you fail to do so, the trademark application will be deemed abandoned. Please understand that the sole responsibility for attending to these matters lies with you, and that Snell & Wilmer will take no further action in these or any other matters on your behalf. Given the imminent deadlines, while we generally prefer to have the Revocations executed prior to transfer of the physical files of a former client, we are forwarding these two trademark files to you with this letter. We ask that you please sign and return the enclosed acknowledgement *Receipt*, which confirms for us that you have received the listed files. Your remaining files will follow after we have received and filed the executed Revocations.

We are pleased to have had the opportunity to have been of service to you, and we thank you for asking us to do so.

Kindest regards.

Very truly yours,

SNELL & WILMER LLP.



Wendy S. Neal

Enclosures

cc: John H. Platt, Esq. (via e-mail, w/o encl.)
J. Rick Taché, Esq. (via e-mail, w/o encl.)

LIST OF LEGAL MATTERS:

File No. 47909.0001: IP Consulting

File No. 47909.0100 (4440): US TM WEB HOUND *(Abandoned per client instructions)*

File No. 47909.0200 (4440.1): US SM WEB HOUND *(Abandoned per client instructions) (No File)*

File No. 47909.0300 (4441): U.S. Trademark Application Serial No. 76/481,441 for DIGITAL DIALYSIS *(Statement of Use Due 2/24/2006)*

File No. 47909.0400 (4441.1): U.S. Service Mark Application Serial No. 76/481,442 for DIGITAL DIALYSIS *(Statement of Use Due 2/10/2006)*

File No. 47909.0500 (4472P): U.S. Patent Application Serial No. 10/672,644 entitled METHOD AND SYSTEM FOR DOWNLOADING DIGITAL CONTENT OVER A NETWORK *(Awaiting First Office Action)*

File No. 47909.0600 (4508P): U.S. Patent Application Serial No. 10/672,643 entitled METHOD AND SYSTEM FOR UPDATING DIGITAL CONTENT OVER A NETWORK *(Awaiting First Office Action)*

File No. 47909.0700 (Web267): U.S. Patent Application Serial No. 10/002,267 *(Previously Transferred to Other Counsel)*

File No. 47909.0800 (Web228): U.S. Patent Application Serial No. 09/683,228 *(Previously Transferred to Other Counsel)*

RECEIPT

The undersigned hereby acknowledges receipt of the following two trademark files from Snell & Wilmer LLP.:

Webhound, Inc.

Client No. 47909, matters listed below:

Matter	Title
0300	(4441 TM) US TRADEMARK-DIGITAL DIALYSIS
0400	(4441.1 TM) US TRADEMARK-DIGITAL DIALYSIS

DATED this _____ day of _____, 2006.

Webhound, Inc.

By: _____

Name: _____

Title: _____

* *Please sign and return this form in the enclosed postage-paid envelope.*

CERTIFICATE OF TRANSMISSION BY FACSIMILE (1-(571)-273-8300)

I hereby certify that the below-identified Revocation of Prior Power of Attorney and Change of Correspondence Address is being transmitted to the Commissioner for Trademarks at the U.S. Patent and Trademark Office via facsimile transmission only to Fax No. 1-571-273-8300.

Date: _____

By: _____
Signature of Person Sending Facsimile Transmission

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK APPLICATION

Applicant:	Webhound, Inc.	Docket No.:	47909.0300 (4441 TM)
Serial No.:	76/481,441	Law Office:	116
Filing Date:	January 10, 2003	Examining Attorney:	Benmaman, Alice Medina
Mark:	DIGITAL DIALYSIS		

**REVOCATION OF PRIOR POWER OF ATTORNEY
AND CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

Assignee/Owner, Webhound, Inc., hereby revokes all powers previously granted in respect of the above-identified trademark application, and requests the U.S. Patent and Trademark Office to direct all future communications and correspondence directly to Assignee/Owner, Webhound, Inc.:

**Scott McCleskey
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003**

Assignee/Owner also agrees conduct all related prosecution and business regarding the subject trademark application before the U.S. Patent and Trademark Office.

Date: _____, 2006

Webhound, Inc.

By _____

Name: _____

Title: _____

Please send all further correspondence to Assignee/Owner as stated above.

Date: _____, 2006

Respectfully submitted,

SNELL & WILMER L.L.P.

Wendy S. Neal

Registration No. 45,615

CERTIFICATE OF TRANSMISSION BY FACSIMILE (1-(571)-273-8300)

I hereby certify that the below-identified Revocation of Prior Power of Attorney and Change of Correspondence Address is being transmitted to the Commissioner for Trademarks at the U.S. Patent and Trademark Office via facsimile transmission only to Fax No. 1-571-273-8300.

Date: _____

By: _____
Signature of Person Sending Facsimile Transmission

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK APPLICATION

Applicant:	Webhound, Inc.	Docket No.:	47909.0400 (4441.1TM)
Serial No.:	76/481,442	Law Office:	105
Filing Date:	January 10, 2003	Examining Attorney:	Michos, John E.
Mark:	DIGITAL DIALYSIS		

**REVOCATION OF PRIOR POWER OF ATTORNEY
AND CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

Assignee/Owner, Webhound, Inc., hereby revokes all powers previously granted in respect of the above-identified trademark application, and requests the U.S. Patent and Trademark Office to direct all future communications and correspondence directly to Assignee/Owner, Webhound, Inc.:

**Scott McCleskey
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003**

Assignee/Owner also agrees conduct all related prosecution and business regarding the subject trademark before the U.S. Patent and Trademark Office.

Date: _____, 2006

Webhound, Inc.

By _____

Name: _____

Title: _____

Please send all further correspondence to Assignee/Owner as stated above.

Date: _____, 2006

Respectfully submitted,

SNELL & WILMER L.L.P.

Wendy S. Neal

Registration No. 45,615

CERTIFICATE OF TRANSMISSION BY FACSIMILE (1-(571)-273-8300)

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Date: _____

By: _____
Signature of Person Sending Facsimile Transmission

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventors:	Scott McCleskey, et al.	Docket No.:	47909.0500 (4472 P)
Serial No.:	10/672,644	Group Art Unit:	2155
Filing Date:	September 27, 2003	Confirmation No.:	8219
Title:	METHOD AND SYSTEM FOR DOWNLOADING DIGITAL CONTENT OVER A NETWORK		

**REVOCATION OF PRIOR POWER OF ATTORNEY
AND CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Assignee/Owner, Webhound, Inc., hereby revokes all powers previously granted in respect of the above-identified patent application, and requests the U.S. Patent and Trademark Office to direct all future communications and correspondence to Assignee/Owner, Webhound, Inc.:

**Scott McCleskey
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003**

Assignee/Owner also agrees conduct all related prosecution and business regarding the subject patent application before the U.S. Patent and Trademark Office.

Date: _____, 2006

Webhound, Inc.

By _____

Name: _____

Title: _____

Please send all further correspondence to Assignee/Owner as stated above.

Date: _____, 2006

Respectfully submitted,

SNELL & WILMER L.L.P.

Wendy S. Neal

Registration No. 45,615

CERTIFICATE OF TRANSMISSION BY FACSIMILE (1-(571)-273-8300)

I hereby certify that the below-identified Revocation of Prior Power of Attorney and Change of Correspondence Address is being transmitted to the U.S. Patent and Trademark Office via facsimile transmission only to Fax No. 1-571-273-8300.

Date: _____

By: _____
Signature of Person Sending Facsimile Transmission

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventors:	Scott McCleskey, et al.	Docket No.:	47909.0600 (4508 P)
Serial No.:	10/672,643	Group Art Unit:	2141
Filing Date:	September 27, 2003	Confirmation No.:	8218
Title:	METHOD AND SYSTEM FOR UPDATING DIGITAL CONTENT OVER A NETWORK		

**REVOCATION OF PRIOR POWER OF ATTORNEY
AND CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Assignee/Owner, Webhound, Inc., hereby revokes all powers previously granted in respect of the above-identified patent application, and requests the U.S. Patent and Trademark Office to direct all future communications and correspondence to Assignee/Owner, Webhound, Inc.:

**Scott McCleskey
Webhound, Inc.
265 Chipman Avenue
American Fork, Utah 84003**

Assignee/Owner also agrees conduct all related prosecution and business regarding the subject patent application before the U.S. Patent and Trademark Office.

Date: _____, 2006

Webhound, Inc.

By _____

Name: _____

Title: _____

Please send all further correspondence to Assignee/Owner as stated above.

Date: _____, 2006

Respectfully submitted,

SNELL & WILMER L.L.P.

Wendy S. Neal

Registration No. 45,615

RECEIPT

The undersigned hereby acknowledges receipt of the following two trademark files from Snell & Wilmer L.L.P.:

Webhound, Inc.

Client No. 47909, matters listed below:

Matter	Title
0300	(4441 TM) US TRADEMARK-DIGITAL DIALYSIS
0400	(4441.1 TM) US TRADEMARK-DIGITAL DIALYSIS

DATED this _____ day of _____, 2006.

Webhound, Inc.

By: _____

Name: _____

Title: _____

* *Please sign and return this form in the enclosed postage-paid envelope.*

EXHIBIT E

Letter: November 14, 2006 – Forwarding copy of file

Snell & Wilmer

L.L.P.
LAW OFFICES

One Arizona Center
Phoenix, Arizona 85004-2202
(602) 382-6000
Fax: (602) 382-6070
www.swlaw.com

John Platt
602.382.6367
jhlplatt@swlaw.com

PHOENIX, ARIZONA

TUCSON, ARIZONA

IRVINE, CALIFORNIA

SALT LAKE CITY, UTAH

DENVER, COLORADO

LAS VEGAS, NEVADA

November 14, 2006

**BY E-MAIL
BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7002 2410 0002 2011 6714**

Scott McCleskey
Webhound, Inc.
265 Chipman Avenue
American Fork, UT 84003

**Re: Request for Withdrawal to be filed with United States Patent and
Trademark Office**

Dear Mr. McCleskey:

As we have been unable to receive your cooperation in filing a Revocation of Power of Attorney with the United States Patent and Trademark Office (USPTO) in U.S. Patent Application Nos. 10/672/643 and 10/672,644, we hereby give you notice that we are filing Requests for Withdrawal of Attorney of Record with the USPTO in both cases. Enclosed are copies of all correspondence and papers filed during the course of prosecution of the above-referenced applications.

Please feel free to contact me if you have any questions.

Sincerely,

Snell & Wilmer



John Platt

Enclosures

cc: Wendy S. Neal, Esq. (via e-mail)
J. Rick Tache, Esq. (via e-mail)
Diane Richardson (via e-mail)